



City Council Agenda

Council President
Henry T. Perea

Councilmembers

Brian Calhoun, Ph.D.
Mike Dages
Jerry Duncan

Cynthia Sterling
Larry Westerlund
Blong Xiong – Acting President

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650.

The City Council welcomes you to this meeting.

July 31, 2007

8:30 A.M. ROLL CALL

Invocation by Pastor Bob Small of the Northwest Church

Pledge of Allegiance to the Flag

Ceremonial Presentation:

Presentation of Resolution by Assemblyman Arambula to Councilmember Sterling Memorializing Contributions of Her Mother Elma Sterling

The agenda is available on (www.fresno.gov). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m. **PROCESS:** For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not

before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of July 24, 2007

Action Taken: Approved

Councilmember Reports and Comments

Action Taken: Made

Approve Agenda

Action Taken: Approved

Adopt Consent Calendar

Action Taken: Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered immediately following.

- A. * Approve Amendment No. 3 to Professional Consulting Services Agreement with Carter Burgess, Inc. for rehabilitation/reconstruction of various taxiways at Fresno Yosemite International Airport in the amount of \$149,000 – Airports Dept.
Action Taken: Approved
- B. * Authorize the General Services Department, Purchasing Division, to participate in the California State Cal Card Program for City divisions to make small dollar purchases for materials, parts, and supplies, and execution of program documents – General Services Dept./Purchasing Division
Action Taken: Authorized
- C. * Adopt the Memorandum of Understanding (MOU) between the City of Fresno (City) and Fresno Police Officers Association (FPOA - Unit 9), covering the period July 1, 2007, through June 30, 2010 – Personnel Services Department
Action Taken: Adopted
1. * **RESOLUTION** – 1st amendment to the Salary Resolution No. 2007-215 amending Exhibit 9, Police Management (FPOA)
Action Taken: Resolution No. 2007-256 adopted
- D. * Award a requirements contract for bus advertising services – Fresno Area Express
Action Taken: Awarded
- E. **RESOLUTION** – Initiating Rezoning (Pre-zoning) on 5 parcels totaling approximately 18.21 acres within the City of Fresno's Sphere of Influence – Planning and Development Dept.
Action Taken: Resolution No. 2007-257 adopted
- F. * Approve Amendment No. 1 to the HOME Program Agreement between City of Fresno and Alvis Projects Inc. to extend the project's timeline to August 31, 2008 and increase the amount of home funds utilized per home for the construction of the City's green building demonstration project (single family affordable infill) – Planning and Development Dept.
Action Taken: Approved
- G. Reject all bids for residential water meter installation plats 1358, 1360, 1361, 2151 & 2361 – Dept. of Public Utilities
Action Taken: Rejected
1. **CONSENT CALENDAR CONTINUED**

- H. * Approve Memorandum of Understanding (MOU) for the renting of Room 201 at the Veterans Memorial Auditorium Building by the Center for Multicultural Cooperation (CMC) from the City of Fresno for the purpose of operating a digital computer clubhouse – PR&CS
Action Taken: Approved
- I. * Award an interim extension of requirements contract for leasing of vanpool vehicles – Fresno Area Express
Action Taken: Awarded
- J. * Approve renewal of Fresno County Interagency Council Agreement – PR&CS
Action Taken: Approved
- K. * Approval of a State Center Community College District off-campus federal work study agreement with the Parks, Recreation and Community Services Department – PR&CS
Action Taken: Approved

JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, subdivision (a)
 - 1. **Case Name:** Doug Vagim, et al. vs. Fresno Redevelopment Agency; City of Fresno, et al.
Action Taken: Held
- B. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** – Government Code Section 54957 (Councilmember Sterling)
Title: Executive Director of the Redevelopment Agency
Action Taken: Tabled to 8/21/2007
- C. **PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE** – Government Code Section 54957
Action Taken: Removed from the agenda

CLOSED SESSION

- D. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, subdivision (a)
 - 1. **Case Name:** City of Fresno vs. Board of Trustees of the California State University, et al.
Action Taken: Held
- E. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** - Government Code Section 54956.8
Property:
 - 1. State of California, 2855 W. Whites Bridge, Assessor's No. 464-020-01T
 - 2. Comp. Alcohol Program, 2445 W. Whites Bridge, Assessor's No. 464-020-22
 - 3. Fresno Irrigation District, Assessor's Nos. 464-060-02T, 464-060-07T
 - 4. Haig Atamian, 2343 W. Kearney, Assessor's No. 464-060-04
 - 5. Anthony Mello, 2820 W. California, Assessor's No. 464-060-09
 - 6. Ray Scott, 2105 W. California, Assessor's No. 477-021-10
 - 7. Henh Ho, 2394 S. Hughes, Assessor's No. 477-021-14
 - 8. Shigeo Hayashi, 1348 S. Marks, Assessor's No. 477-021-21
Negotiating Parties: Andrew T. Souza
Under Negotiation: Purchase of Subject Property
Action Taken: Held

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. A. **SCHEDULED COMMUNICATION –**

9:00 A.M. B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda - **Held**

9:15 A.M. **RESOLUTION** - Authorizing City Manager's execution of Program Agreement 1 with the San Joaquin Valley Power Authority in order for the City of Fresno to participate in a Community Choice Aggregation Program – Dept. of Public Utilities
Action Taken: Failed adoption

10:00 A.M.#1 **HEARING** to consider the proposed annual assessments for Landscaping and Lighting Maintenance District No. 1 (City wide) – Public Works Department
Action Taken: Held
a. **RESOLUTION** - Approving the Engineer's Report and levying the annual assessments for Landscaping and Lighting Maintenance District No. 1
Action Taken: Resolution No. 2007-258 adopted

10:00 A.M.#2 **HEARING** - Regarding City of Fresno Community Facilities District No. 11, Annexation No. 17 (Final Tract Map No. 5730) (Property located in District 2) – Public Works Dept.
Action Taken: Held
a. **RESOLUTION** - Directing preparation of a Modified Engineer's Report analyzing impact of proposed increase in special tax and modifying Resolution of Intention 2007-169
Action Taken: Resolution No. 2007-259 adopted
b. **RESOLUTION** - Receiving and approving the Modified Engineer's Report and modifying Resolution of Intention 2007-169
Action Taken: Resolution No. 2007-260 adopted
c. **RESOLUTION** - Annexing territory to Community Facilities District No. 11 and authorizing the levy of a special tax
Action Taken: Resolution No. 2007-261 adopted
d. **RESOLUTION** - Calling special mailed-ballot election
Action Taken: Resolution No. 2007-262 adopted
e. **RESOLUTION** - Declaring election results
Action Taken: Resolution No. 2007-263 adopted
f. * **BILL** - Levying a special tax for the property tax year 2007-2008 and future tax years within and relating to Community Facilities District No. 11, Annexation No. 17
Action Taken: Bill No. B-59/Ordinance No. 2007-58 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:10 A.M. **HEARING** to consider Rezone Application No. R-06-69, and environmental findings, filed by Yamabe and Horn Engineering, Inc., on behalf of subdivider Stockbridge Development, Inc., and owners Guy Stockbridge, Stockbridge Alford Venture, LLC, Daniel Briggs, and Linda D. Fisher, pertaining to approximately 22.6 acres of property located on the south side of W. Dakota Avenue along N. Milburn Avenue and between N. Blythe and N. Cornelia Avenues. The project also includes the detachment of the subject property from the Kings River Conservation District and the North Central Fire Protection District and annexation to the City of Fresno for which the Fresno County Local Agency Formation Commission (LAFCO) is the responsible agency **(Property located in District 1)** – Planning and Development Department

Action Taken: **Held**

- a. Consider and adopt Environmental Assessment No. R-06-69/T-5695, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan

Action Taken: **Adopted**

- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AL-20 (*Limited Twenty Acre Agricultural, Fresno County*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district

Action Taken: **Bill No. B-60/Ordinance No. 2007-59 adopted**

10:15 A.M. **CONTINUED HEARING** to consider Community Facilities District No. 11 (Final Tract No. 5589) Annexation No. 18 **(Property located in District 1)** – Public Works Dept.

Action Taken: **Continued to August 21, 2007 @ 11:00 a.m.**

- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 11, Annexation No. 18 and authorizing the levy of taxes
- b. **RESOLUTION** - Calling special mailed-ballot election
- c. **RESOLUTION** - Declaring election results
- e. * **BILL** – Levying a special tax for the property tax year 2007-2008 and future tax years within and relating to Community Facilities District No. 11, Annexation No. 18

10:20 A.M. **HEARING** to consider Rezone Application No. R-07-23, and environmental findings, filed by Bill Gavello on behalf of Angie Gavello Living Trust, pertaining to approximately 37,800 square feet of an overall 2.1-acre parcel located on the southeast corner of W. El Dorado and S. Fruit Avenues **(Property located in District 3)** – Planning and Development Department

Action Taken: **Held**

- a. Consider and adopt Environmental Assessment No. R-07-23, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan

Action Taken: **Adopted**

- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-3 (*Medium Density Multiple Family Residential*) zone district to the M-1 (*Light Manufacturing*) zone district

Action Taken: **Bill No. B-61/Ordinance No. 2007-60 adopted**

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:25 A.M. **HEARING** to consider Rezone Application No. R-07-34, and environmental findings, filed by Leland

Parnagian on behalf of Denken Farms LP, pertaining to 167± acres of property located on the north side of E. Central Avenue between S. East and S. Orange Avenues (3740 S. East Avenue). The project also includes the detachment of the subject property from the Kings River Conservation District and the Fresno County Fire Protection District and annexation to the City of Fresno for which the Fresno County Local Agency Formation Commission (LAFCO) is the responsible agency **(Property located in District 3)** – Planning and Development Department

Action Taken: Held

- a. Consider and adopt Environmental Assessment No. R-07-34, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan

Action Taken: Adopted

- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-20 (*Exclusive Twenty Acre Agricultural, Fresno County*) and AL-20 (*Limited Twenty Acre Agricultural, Fresno County*) zone districts to the M-3/UGM (*Heavy Industrial/Urban Growth Management*) zone district

Action Taken: Bill No. B-62/Ordinance No. 2007-61 adopted

10:30 A.M.

HEARING to consider Rezone Application No. R-07-35, and environmental findings, filed by Lorelee Geisor, pertaining to approximately 0.11 acre of property located on the north side of E. Olive Avenue between N. Echo and N. Roosevelt Avenues (529, 531 E. Olive Avenue) in the Tower District Specific Plan Area **(Property located in District 1)** – Planning and Development Department

Action Taken: Held

- a. Consider and adopt Environmental Assessment No. R-07-35, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan

Action Taken: Adopted

- b. **BILL** – Amending the Official Zone Map to rezone approximately 1,250 square feet of the 0.11-acre parcel from the R-1 (*Single Family Residential*) zone district to the C-5 (*General Commercial*) zone district to be consistent with the remainder of the parcel, which is already classified as C-5

Action Taken: Bill No. B-63/Ordinance No. 2007-62 adopted

10:35 A.M.

HEARING to consider Rezone Application No. R-07-36, and environmental findings, filed by Donald Sims, pertaining to approximately 3.28 acres of property located on the east side of S. Walnut Avenue between E. Church and E. Grove Avenues (2457 and 2461 S. Walnut Avenue) **(Property located in District 3)** – Planning and Development Department

Action Taken: Held

- a. Consider and adopt Environmental Assessment No. R-07-36, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan

Action Taken: Adopted

- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-A/UGM (*Single Family Residential-Agricultural/Urban Growth Management*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district

Action Taken: Bill No. B-64/Ordinance No. 2007-63 adopted

10:40 A.M.

HEARING to consider Rezone Application No. R-06-64, and environmental findings, filed by James Quinn, Associated Design and Engineering, Inc., on behalf of Percy Williams, Greg Maroot, et al., pertaining to approximately 9.5 net acres of property located on the south side of W. Ashlan Avenue between N. Cornelia and N. Blythe Avenues **(Property located in District 1)** – Planning and Development Department

Action Taken: Held

- a. Consider and adopt Environmental Assessment No. R-06-64/T-5725/C-06-253, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan

Action Taken: Adopted

- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-5/UGM (*Exclusive Five Acre Agricultural/Urban Growth Management*) zone district to the R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district

Action Taken: Bill No. B-65/Ordinance No. 2007-64 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

11:00 A.M. **HEARING** to consider acceptance and adoption of the Copper River Ranch Impact Fee Study Report; and adoption of the Finding of Conformity with the Master Environmental Impact Report No. 10130 for the City's General Plan and Project EIR No. 10126 – Planning and Development Dept. **(Continue to August 21, 2007, at 10:45 a.m.)**

Action Taken: Continued as noted

2:00 P.M. **CITY COUNCIL**

A. Request staff to conduct study to determine cost of processing business tax transaction to determine if minimum threshold to implement tax should be raised to a level that doesn't result in cost of the transaction exceeding revenue received – Councilmember Duncan

Action Taken: Approved

B. **BILL - (For introduction)** Repealing Fresno Municipal Code Section 5-302b. Automatic increase of City of Fresno business tax based upon cost of living changes - Councilmember Duncan

Action Taken: Bill No. B-66 introduced/laid over

C. Council discussion and direction regarding the increased number of neglected and infested swimming pools in the City of Fresno and the health impacts that are created - Councilmember Calhoun

Action Taken: Staff directed to research and return within 30 days with recommendation and options.

3:00 P.M. **GENERAL ADMINISTRATION**

A. * RESOLUTION – Approving the clarification of the primary terms of the loan and a summary of the deal points of (1) a contingent debt purchase agreement (guaranty) between the City of Fresno and United Security Bank ("Bank") as a condition to a \$15,000,000 (commercial draw) loan from the bank to the Fresno Metropolitan Museum of Art and Science ("Museum"), a nonprofit 501(c)(3) corporation, and (2) a performance guaranty between the City of Fresno and the Museum, secured by a Deed of Trust on all land that the Museum owns, and authorizing the execution and delivery of the agreements, and related documents, and taking all necessary action related to the transactions, consistent with the resolution and rescinding Resolution No. 2007-222 - City Manager's Office

Action Taken: Resolution No. 2007-264 adopted

B. * RESOLUTION – 9th amendment to AAR No. 2007-214 to reduced appropriations in the General Fund by \$100,000 and to place \$50,000 from the City Manager's Office in contingency to fund City's portion of the City/County Joint Powers Authority **(Requires 5 affirmative votes)** – City Manager's Office

Action Taken: Resolution No. 2007-265 adopted

C. Designation of City Manager Andrew Souza as voting delegate and select up to two (2) alternatives for the League of California Cities annual business meeting on September 8, 2007 - City Manager's Office

Action Taken: Council President Perea designated voting delegate and City Manager Souza and Assistant City Manager Ruiz designated alternates

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

3:15 P.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of July 17, 2007

Action Taken: **Approved**

A. **Matters relating to award of contract for the installation of the proposed streetscape and certain street improvements along McKinley and Clovis Avenues within the Airport Area Revitalization Redevelopment Project Area:**

1. **RESOLUTION** - Making Certain Findings Pursuant to Section 33445 of the Community Redevelopment Law, and authorizing the Agency's installation of the proposed streetscape and certain street improvements along McKinley and Clovis Avenues within the Airport Area Revitalization Redevelopment Project Area **(Council and Agency action)**
Action Taken: **Resolution Nos. 2007-266/1705 adopted**
2. Award a contract in the amount of \$1,023,040 to Elite Landscaping, Inc. for the installation of said public improvements and make findings and determinations **(Agency action)**
Action Taken: **Awarded**

B. **RESOLUTION** - Approving an Owner Participation Agreement between the Redevelopment Agency of the City of Fresno and Donald Sims, for the construction of a residential housing project at 1747 "B" Street and associated Agency Grant **(Council and Agency action)**
Action Taken: **Resolution Nos. 2007-267/1706 adopted**

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS

Aug.	7 -		NO MEETING - COUNCIL RECESS
Aug.	14 -		NO MEETING - COUNCIL RECESS
Aug.	21 -	10:00 A.M.	WORKSHOP re: update on change in governance structure in the Dept. of Public Utilities
Aug.	21 -	10:15 A.M.	Consideration of Alternative Building Standards and Special Permit Processing (Adaptive Reuse) policy and procedures
Aug.	21 -	10:30 A.M.	Consideration of Outdoor Patio Dining policy and procedures
Aug.	21 -	10:45 A.M.	CONTINUED HEARING to consider acceptance and adoption of the Copper River Ranch Impact Fee Study Report and adoption of the Finding of Conformity with the Master Environmental Impact Report No. 10130 for the City's General Plan and Project EIR No. 10126
Aug.	21 -	11:00 A.M.	CONTINUED HEARING to consider Community Facilities District No. 11 (Final Tract No. 5589) Annexation No. 18 (Property located in District 1)
Aug.	28 -	4:00 P.M.	HEARING re: 2007 Cycle 1 Plan Amendments
Sept.	4 -		NO MEETING - DUE TO LABOR DAY
Sept.	11 -		NO MEETING - COUNCIL RECESS
Sept.	18 -	10:00 A.M.	HEARING re: the vacation of a portion of Fowler Avenue at Illinois Avenue - R.I. No. 1062-D
Sept.	18 -	10:15 A.M.	HEARING re: adoption of EA-07-31, filed by the Dept. of Public Utilities
Sept.	19 (Wed.)	2:00 P.M.	Presentation of Employee Service Awards (Council Chambers) (Reception immediately following – 2nd floor foyer)
Sept.	25 -	10:00 A.M.	HEARING to consider formation of UUD No. FRE-84 (Blackstone Avenue between Shields and Belmont Avenues – Public Works Dept.
Oct.	23-	10:00 A.M.	Ballot results for change of tax rate for CFD No. 2, Annexations Nos. 81 and 82